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Commission on Crime Prevention and Criminal Justice
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Agenda item 7
World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Chile, Colombia, Costa Rica, El Salvador, Guatemala, Italy, Mexico and Panama: revised draft resolution

Strengthening crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences

The Commission on Crime Prevention and Criminal Justice,

Recalling General Assembly resolutions 66/180 of 19 December 2011 and 68/186 of 18 December 2013, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking", and Assembly resolution 69/196 of 18 December 2014, entitled "International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences",

Recalling also the United Nations Convention against Transnational Organized Crime,[1] adopted by the General Assembly in its resolution 55/25 of 15 November 2000, and the United Nations Convention against Corruption,[2] adopted by the General Assembly in its resolution 58/4 of 31 October 2003,

Recalling further the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,[3] adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970, the Convention on Stolen or Illegally

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2349, No. 42146.
[3] Ibid., vol. 823, No. 11806.

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Exported Cultural Objects,[4] adopted by the International Institute for the Unification of Private Law on 24 June 1995, the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[5] done at The Hague on 14 May 1954, and the two Protocols thereto,[6] done at The Hague on 14 May 1954 and 26 March 1999, and other relevant conventions, and reaffirming the necessity for those States which have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

Reaffirming the commitment to strive to strengthen and implement comprehensive crime prevention and criminal justice responses to trafficking in cultural property, as set forth in the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,[7]

Reiterating the importance of close cooperation with respect to relevant actions in the area of criminal justice and the efforts of the United Nations Educational, Scientific and Cultural Organization, the International Criminal Police Organization (INTERPOL) and other relevant international entities, with a view to ensuring coordination of the work carried out under their respective mandates,

Noting the work of the Subsidiary Committee of the Meeting of States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on operational guidelines for the implementation of that Convention,

Affirming that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Alarmed by the destruction of cultural heritage perpetrated recently by organized criminal groups and terrorist groups, which is linked to trafficking in cultural property in some countries,

Recognizing the criminal nature of trafficking in cultural property and its grave and detrimental impact on the cultural heritage of humankind,

1. *Encourages* Member States to effectively combat trafficking in cultural property and, if they have not yet done so, to consider acceding to the aforementioned international instruments;

2. *Strongly encourages* Member States to take into account the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences[8] in the development and strengthening of their relevant policies, strategies, legislation and cooperation mechanisms;

3. *Invites* Member States to foster international cooperation and intelligence-sharing with respect to the transnational crime of trafficking in cultural property and the challenges involved in combating it, and with respect to good

[4] Ibid., vol. 2421, No. 43718.
[5] Ibid., vol. 249, No. 3511.
[6] Ibid., vol. 2253, No. 3511.
[7] A/CONF.222/17, chap. I, resolution 1.
[8] General Assembly resolution 69/196, annex.

practices achieved, affording the broadest possible international collaboration in that regard;

4. *Requests* Member States to further the prevention of such crime by creating awareness-raising and information campaigns that include the participation of the media and information on the theft, looting and pillaging of cultural property, and to strengthen educational systems in order to create public awareness of the value of cultural heritage;

5. *Invites* Member States to continue collecting and sharing solid and comparable data on the various aspects of trafficking in cultural property, including its links with transnational organized crime and the illicit proceeds it generates;

6. *Calls upon* Member States to further the protection of cultural property against trafficking, where necessary developing and enacting appropriate legislation that establishes, inter alia, procedures consistent with their legal systems for the confiscation, recovery and return of such property, and implementing appropriate security measures such as strengthening the capacities and human resources of monitoring institutions, such as the police and customs services, and of the tourism sector;

7. *Urges* Member States to continue to inform the United Nations Office on Drugs and Crime of technical assistance needs, such as those relating to training programmes and legislative drafting assistance, in order to more effectively prevent and combat trafficking in cultural property, and requests the Office to continue to appropriately respond to those requests, bearing in mind the work of relevant international organizations such as the United Nations Educational, Scientific and Cultural Organization and INTERPOL;

8. *Invites* Member States to continue to submit written comments to the United Nations Office on Drugs and Crime with their views on the potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[9] as well as relevant international standards and principles, taking into consideration, when possible, the International Guidelines in this regard;

9. *Reaffirms* the importance of a practical assistance tool to assist in the implementation of the International Guidelines, and requests the Office to continue to work toward the elaboration of this tool, where appropriate, in consultation with Member States, taking into account the technical background document developed for the elaboration of the International Guidelines and the comments made by Member States;

10. *Urges* Member States to use all relevant instruments developed by the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization, as well as relevant tools and databases developed by the competent international entities, such as INTERPOL, the International Institute for the Unification of Private Law, the World Customs

[9] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.1, annex.

Organization and other entities such as the International Council of Museums, in the fight against trafficking in cultural property;

11. *Encourages* Member States to deepen their understanding of the above-mentioned links, outlined in the preamble of this resolution, between the destruction of cultural heritage and the trafficking in cultural property, in order to strengthen crime prevention and criminal justice responses to such crimes;

12. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations;

13. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-fifth session on the implementation of the present resolution.